

FROM

(TUE)MAY 30 2006 13:49/ST. 13:48/NO. 6310677049 P 2

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**MAY 30 2006**

## **ADE & COMPANY INC.**

PATENT AGENTS

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**Physical Address**  
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1700-360 Main Street  
Winnipeg, Manitoba  
R3C 3Z3

OUR FILE :83815-3102 MRW  
YOUR FILE:

May 30, 2006

U.S. Patent and Trademark Office  
Customer Window, Mail Stop  
401 Dulany Street – Randolph Building  
Arlington, Virginia 22314  
U.S.A.

Dear Sir:

RE: USSN 09/926,805  
Overexpression in Yeast and Plants of a Gene Encoding Glycerol-3-phosphate  
Acyltransferase

The following is further to our response filed February 13 and our subsequent letter of March 7, 2006.

As discussed in our letter of March 7, 2006, a request for continued examination together with a two month extension fee was faxed to the USPTO together with the instructions to charge the RCE and extension fees to our corporate credit card on February 13, 2006. A copy of this request is enclosed.

We note that these documents were received by the USPTO because on or about February 21, our accounting department received a telephone call regarding there being a problem with the credit card information. Our accounting department confirmed the credit card number and the USPTO representative indicated that they would try the credit card again and if any further problems were encountered there they would contact us again directly.

No follow-up calls were received however, we note that the charge was never applied to our credit card. We note that this is also the only time that this Visa card has ever been used to pay fees the USPTO.

Specifically, when we noted that no charges had been applied to the file by March 7, we reviewed the file and noted that there was an error in the serial number appearing on the forms. We therefore made corrections to the serial number and sent in our letter dated March 7 explaining

ADE &amp; COMPANY INC.

how the problem had occurred and asking the Patent Office to charge the required fees to our deposit account. A copy of this letter is enclosed.

We note that no replies or inquiries to our March 7 letter were received until we received a telephone call from the Examiner responsible for this file on about May 18 indicating that the application had come up for abandonment because no further reply had been received.

As documented in the attached, we did file the proper forms on February 13 for Requesting Continued Examination for the application which were received by the USPTO although there was a clerical error regarding the serial number. We then took steps to bring this to the attention of the USPTO on March 7 but apparently this information was not either not received or was not sent to the corresponding file.

As discussed above, we have discussed this situation with the Examiner who is anticipating the receipt of these documents.

As discussed in our March 7 letter, in the event that the previously authorized fees cannot be charged to our credit card the US Patent Office is hereby authorized to charge the fee of \$1240 to our deposit account 01-0310 which covers the fee of \$790 for the request and the fee of \$450 for the two month extension of time. In addition, the USPTO is authorized to charge any additional extension fees which may be required for this application although as discussed above, we note that the instructions were filed within the two month extension deadline and the clerical error was brought to the attention of the USPTO by March 7 which would be within the three month extension time period.

In the event that anything further is required, please contact the undersigned so that we can put this application back in good order for the request for continued examination to be processed.

Yours truly,

**ADE & COMPANY INC.**

PER:



**DR. MICHAEL R. WILLIAMS**

DIRECT LINE (204) 944-0034 FAX NO. 942-5723

e-mail [williams@adeco.com](mailto:williams@adeco.com)

MRW/hk

FROM

(TUE) MAY 30 2006 13:50/ST. 13:48/NO. 6310677049 P 4

**TRANSMISSION REPORT**

P. 1  
**RECEIVED**  
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(TUE) MAR 7 2006 13:02

**MAY 30 2006**

Account Name :  
DESTINATION : 15712738300  
DEST. NUMBER : 15712738300

F CODE :

DOCUMENT# : 6310677-681  
TIME STORED : MAR 7 12:58  
TIME SENT : MAR 7 12:58  
DURATION : 3min, 44sec  
MODE : ECM

PAGES : 17 sheets  
RESULT : OK

**ADE & COMPANY INC.**  
**PATENT AGENTS**

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E-Mail: info@adeco.com

Our File: 83815-3102 MRW

**FACSIMILE COVER LETTER**

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

**NAME:** ..... Commissioner of Patents -- ELIZABETH F. McELWAIN

**FACSIMILE NUMBER:** ..... 1-571-273-8300

**FROM:** ..... Michael R. Williams

**TOTAL NUMBER OF PAGES INCLUDING THIS COVER LETTER:** ..... 17

**DATE:** ..... MARCH 7, 2006

**TELEPHONE:** ..... (204) 947-1429 **FACSIMILE:** ..... (204) 942-5723

**OPERATOR:** ..... HEATHER KIRKPATRICK

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FROM

(TUE)MAY 30 2006 13:50/ST.13:48/NO.6310677049 P 5

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MAY 30 2006

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**PATENT AGENTS**

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Our File:83815-3102 MRW

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**FACSIMILE COVER LETTER**

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**RE: United States Patent Application no: 09/926,805**  
**By Ravinder K, Jain et al.**  
**For Overexpression in Yeast and Plants of a Gene Encoding Glycerol-3-**  
**Phosphate Acyltransferase**  
**EXAMINER –Elizabeth F. McElwain GROUP 1638**

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FROM

(TUE) MAY 30 2006 13:50/ST. 13:48/NO. 6310677049 P 6

# ADE & COMPANY INC.

PATENT AGENTS

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**MAY 30 2006**

ADRIAN D. BATTISON, B.Sc., F.P.T.I.C.  
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1700-360 Main Street  
Winnipeg, Manitoba  
R3C 3Z3

OUR FILE: 83815-3102 MRW  
YOUR FILE:

March 7, 2006

U.S. Patent and Trademark Office  
Customer Window, Mail Stop  
401 Dulany Street – Randolph Building  
Arlington, Virginia 22314  
U.S.A.

Dear Sir:

RE: USSN 09/926,805  
Overexpression in Yeast and Plants of a Gene Encoding Glycerol-3-Phosphate  
Acyltransferase

We note that on February 13, 2006, a request for continuing examination together with a two month extension was faxed to the USPTO together with instructions to charge the RCE and extension fees to our credit card. Correct PTO-2038 forms were attached.

However, our accounting department received a telephone call from the USPTO on or about February 21, indicating that there was a problem encountered with the credit card information. Our accounting department then confirmed that the credit card information was correct and the USPTO representative indicated that they would try the credit card number again and if any further problems were encountered that they would contact us again directly. As no follow up calls were received we assumed that the transaction had proceeded.

However, on consultation with our credit card company, we note that these charges have not yet reached our credit card. As can be understood, we are concerned that there remained a problem with charging the fees to our credit card or that additional other problems had been encountered.

Furthermore, on reviewing the application details, we note that the response and the fax cover all contained an error in that they erroneously indicate the serial number of the application as 09/926,895 when the correct serial number is 09/925,805. Copies of the documents originally submitted together with the auto reply facsimile transmission are enclosed herewith. As can be seen, the correction to the serial number has been entered by hand to assist the USPTO in properly identifying this application.

FROM

(TUE)MAY 30 2006 13:51/ST. 13:48/NO. 6310677049 P 7

ADE & COMPANY INC.

We apologize for any inconvenience that this has caused. However, we do note that the application was correctly identified by filing date, examiner name, inventor names and title.

In the event that continued difficulties are encountered charging fees to the previously referred to credit card, the US Patent Office is hereby authorized to charge the fee of \$1240 to our deposit account 01-0310 which covers the fee of \$790 for the request and the fee of \$450 for the two month extension of time as well as any additional fees which may be required to our deposit account 01-0310.

Yours truly,

**ADE & COMPANY INC.**

PER:



**DR. MICHAEL R. WILLIAMS**

DIRECT LINE (204) 944-0034 FAX NO. 942-5723

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MRW/hk

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 2049425723  
Fax Information  
Date Received: 2/13/2006 4:42:35 PM [Eastern Standard Time]  
Total Pages: 12 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
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**ADE & COMPANY INC.**  
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Our File: 33816-3102 MRW

### FACSIMILE COVER LETTER

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

NAME: ..... Commissioner of Patents - ELIZABETH F. McELWAIN  
FACSIMILE NUMBER: ..... 1-877-273-8300  
FROM: ..... Michael R. Williams  
TOTAL NUMBER OF PAGES INCLUDING THIS COVER LETTER: ..... 12  
DATE: ..... February 13, 2006  
TELEPHONE: ..... (204) 947-1429 FACSIMILE: ..... (204) 942-6723  
OPERATOR: ..... HEATHER KIRKPATRICK

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RE: United States Patent Application no: 09/926,898  
by Ravinder K. Jain et al.  
for Overexpression in Yeast and Plants of a Gene Encoding Glycerol-3-  
Phosphate Acyltransferase  
EXAMINER - Elizabeth F. McElwain GROUP 1639

Response/amendment to Notice of Action dated September 12, 2005, a request for a 2 MONTH extension of time. A request for continued examination and authorization of payment for the fees required.

IF ALL PAGES ARE NOT RECEIVED OR ANY ARE NOT LEGIBLE, PLEASE CALL AS SOON AS POSSIBLE.

PAGE 112 / RCVD AT 2/13/2006 4:42:35 PM [Eastern Standard Time] / FAX: 204-942-6723 / DATE: 2/13/2006 / CSID: 2049425723 / DURATION (mm-ss): 05-28

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(TUE)MAY 30 2006 13:51/ST.13:48/NO.6310677049 P 9

**TRANSMISSION REPORT**

P.1

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**MAY 30 2006**

(MON) FEB 13 2006 16:18  
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Account Name :  
DESTINATION : 15712738300  
DEST. NUMBER : 15712738300

F CODE :

DOCUMENT# : 6310677-284  
TIME STORED : FEB 13 16:15  
TIME SENT : FEB 13 16:15  
DURATION : 2min, 41sec  
MODE : ECM

PAGES : 12 sheets  
RESULT : OK

**ADE & COMPANY INC.  
PATENT AGENTS**

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Our File: 83815-3102 MRW

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**FACSIMILE NUMBER:** ..... 1-571-273-8300

**FROM:** ..... Michael R. Williams

**TOTAL NUMBER OF PAGES INCLUDING THIS COVER LETTER:** ..... 12

**DATE:** ..... FEBRUARY 13, 2006

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**OPERATOR:** ..... HEATHER KIRKPATRICK

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**RE:** United States Patent Application no: 09/926,895 *805 74*  
by Ravinder K. Jain et al.  
for Overexpression in Yeast and Plants of a Gene Encoding Glycerol-3-  
Phosphate Acyltransferase  
**EXAMINER –Elizabeth F. McElwain    GROUP 1638**

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Response/amendment to Notice of Action dated September 12, 2005, a request for a 2 MONTH extension of time. A request for continued examination and authorization of payment for the fees required.

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